THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 22852 of 2005

25-11-2005

Between:

G.Venkata Ramanaiah.

..... PETITIONER

AND

The Vice Chairman and Managing Director, A.P.Housing Board,

Hyderabad & Another.

.....RESPONDENTS

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 22852 OF 2005

ORDER: (Per Hon'ble Sri Bilal Nazki, ACJ)

Heard learned counsel for the parties.

A show cause notice for eviction issued by the Housing Board, has been challenged in this writ petition. In the counter affidavit it has been stated that in pursuance to the show cause notice, a final order has already been passed on 19.10.2005. That is not before us, as it is not challenged. It is also stated at the Bar that the final order is appellable under Section 55 of the A.P.Housing Board Act, 1956 and the appellate authority is a District Judge. The petitioner claims that originally the cost of the house was only Rs.24,000/- when it was purchased by him in the year 1988, but in 1998, the cost was revised to Rs.51,500/-. In all, the petitioner claims to have made payment of Rs.51,064/-. According to him, he has nothing to pay more and in any case, he shall not be subjected to payment of any interest or penal interest. However, he submits that he is prepared to pay Rs.53,282/-, which has been demanded by the respondents, without prejudice to his rights, and he may be permitted to file an appeal against the final order passed by the respondents.

In this view of the matter, we direct that the petitioner shall not be evicted for a period of one month. During this period, he may file appeal before the District Judge concerned. If an appeal is filed, the District Judge shall decide the appeal on merits without being influenced by the observations made in this order. The petitioner shall also deposit with respondents, an amount of Rs.53,282/- within a period of six weeks from today. This payment shall be without prejudice to his rights in the appeal, which he may file.

Writ petition is accordingly disposed of. No order as to costs.

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(BILAL NAZKI, ACJ)

25th November 2005

(R.SUBHASH REDDY, J)

N.B:

Copy in two days.

(B/o)

ajr